

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDELMAN ARTS, INC.,	:	
	:	DECLARATION IN SUPPORT OF
Plaintiff,	:	MOTION FOR SUBSTITUTED
	:	SERVICE OF PROCESS OF
v.	:	SUMMONS AND COMPLAINT
	:	AND RELATED RELIEF
REMKO SPOELSTRA, JASON HOLLOWAY,	:	
SSR INVEST SWITZERLAND, SWISS	:	No. 17-cv-4789 (KBF)
BUSINESS COUNCIL and JOHN DOE,	:	
	:	
Defendants.	:	
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Asher Edelman, pursuant to 28 U.S.C. § 1746, declares the following to be true, under the penalties of perjury:

1. I am President of Edelman Arts, Inc (“Edelman Arts”), a plaintiff in the action captioned above. I submit this Declaration in support of Edelman Arts’ motion for an Order authorizing substitute service of process of the Summons and Amended Complaint on defendants Jason Holloway, SSR Invest Switzerland, and Swiss Business Council and granting such other and further relief as this Court deems just and proper.

Orders and Submissions in This Action

2. Annexed hereto as **Exhibit A** is a true and correct copy of this Court’s August 7, 2017 Order regarding service of process in the above captioned action (the “Action”).

3. Annexed hereto as **Exhibit B** is a true and correct copy of the parties September 28, 2017 joint status report in this Action, as so ordered by the Court on September 29, 2017.

4. Annexed hereto as **Exhibit C** is a true and correct copy of the affidavit of service of the Notice of Removal and related documents on co-defendants that was filed by counsel for Spoelstra on August 7, 2017.

Communications with BC

1. Annexed hereto as **Exhibit D** is a true and correct copy of an email dated March 23, 2017 from Edelman Arts to Charoline Engel, Executive Director, SBC, at abudhabi@swissbcuae.com, enclosing a copy of the complaint against SBC and attachments A through D thereto, and advising Ms. Engel that “we had to file this lawsuit” and asking Ms. Engel to have SBC’s counsel contact counsel for Edelman Arts.

2. Annexed hereto as **Exhibit E** is a true and correct copy of a follow-up email dated March 26, 2017 to Ms. Engel.

3. Annexed hereto as **Exhibit F** is a true and correct copy of an email from Edelman Arts of an email dated April 14, 2017, enclosing an affidavit from Spoelstra describing the negotiations with Edelman Arts and his instructions from Holloway concerning SBC’s role, sworn to on March 30, 2017.

4. Annexed hereto as **Exhibit G** is a true and correct copy of a follow-up email dated April 14, 2017 to Ms. Engel.

5. Annexed hereto as **Exhibit H** is a true and correct copy of a follow-up email dated April 17, 2017 to Ms. Engel.

6. Annexed hereto as **Exhibit I** is a true and correct copy (of an email dated May 25, 2017 from Edelman Arts to Ms. Engel enclosing a copy of the complaint in the Estate of Mildred Ash action.

Communications with Holloway/SSR

7. Annexed hereto as **Exhibit J** is a true and correct copy of an email exchange between Jason Holloway (at JasonH@ssrinvest.ch) and Edelman Arts on January 17-18, 2017 in which Edelman Arts requests “[p]lease have your lawyer call mine and they can work out a schedule” and Holloway responds “I just had contact with the buyer. His attorney will reach out to yours.”

8. Annexed hereto as **Exhibit K** is a true and correct copy of an email dated March 22, 2017 from Edelman Arts to Holloway attaching a copy of the complaint against Holloway and SSR.

9. Annexed hereto as **Exhibit L** is a true and correct copy of an email dated March 26, 2017 from Edelman Arts to Holloway requesting that Holloway have his attorney contact counsel for Edelman Arts.

Communications with Spoelstra Counsel and Spoelstra

10. Annexed hereto as **Exhibit M** is a true and correct copy of a letter from counsel for Edelman Arts to counsel for Spoelstra, dated September 22, 2017, requesting information about where co-defendants Holloway, SSR and SBC can be served.

11. Annexed hereto as **Exhibit N** are a series of profane and insulting texts received through the “What’s App” service from Spoelstra to Edelman Arts repeatedly offering, but not providing, contact information to serve other parties.

Plaintiff's Efforts to Discover Addresses

12. Through an attorney located in Zurich, Switzerland, Mr. Urs Maurer-Lambrou, Edelman Arts made efforts to locate a physical address or any other address permissible for service under Swiss law for SSR, Holloway, or to locate a Swiss address for SBC, but was not able to find any such information.

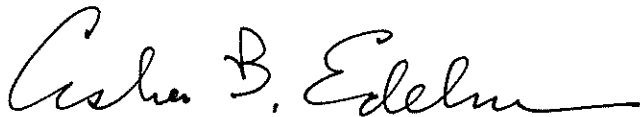
No Prejudice / Mitigation of Damages

13. Since the time the initial complaints were filed in state court, Edelman Arts and/or owners of artwork have made diligent efforts to mitigate damages, with the result some artwork have been offered and/or sold to other purchasers as authorized by the Uniform Commercial Code, among other efforts, and that this action for the price will reflect any recovered amounts or reduction in damages. Accordingly, there is no prejudice to any defendants due to any delay in effecting service of a complaint of which they have had actual notice for several months.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: October 19th, 2017

New York, New York

A handwritten signature in black ink, reading "Asher B. Edelman". The signature is fluid and cursive, with the first name "Asher" and last name "Edelman" clearly legible. The middle initial "B." is smaller and less distinct. The signature is written over a horizontal line.

Asher B. Edelman